



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Burnell Waldrep
Criminal District Attorney
Red River County
Clarksville, Texas

Dear Sir:

Opinion No. O-4408
Re: Induction of Criminal District
Attorney in the armed forces -
Appointment of assistant and
related matters

Your request for opinion has been received and carefully considered by this department. As quote from your request as follows:

"I have just read your Opinion O-3030. I, too, am in the same situation. I am acting in the capacity of County and District Attorney for this County, having been duly elected in 1940 and entering upon the duties of the office on January 1st, 1941. I do not have an assistant, as none was provided in the budget.

"Within the next few weeks I am to be inducted into the Army. I am somewhat puzzled as to what disposition to make of the office and the legal status of the same. I want to do the fair and equitable thing about this situation, and to do what is best for the welfare of the County. There are certain questions I would appreciate your enlightening me upon, and at the same time I would appreciate any suggestions you might offer as to the proper disposition to be made of the office.

"1. May I appoint an assistant and carry on the duties of the office?

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"2. Having announced for reelection, will my induction into the Army bar me from seeking such reelection to a second term?"

"3. Does my induction create a vacancy?"

We enclose herewith copies of opinions Nos. O-3080 and O-3448 of this department which answer your first and third questions.

It is our opinion that your second question should be answered in the negative.

Very truly yours

ATTORNEY GENERAL OF TEXAS

APPROVED FEB 24, 1942

Burnell Waldrop
BURNELL WALDROP
ATTORNEY GENERAL

By

Wm. J. Fanning
Wm. J. Fanning
Assistant

WJF:GO

ENCLOSURE

